



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

DIVISION OF ENVIRONMENTAL HEALTH

7171 Cleanwater Lane, Building 2 • PO Box 47820 • Olympia, Washington 98504-7820

TDD Relay Service: 1-800-833-6388

May 7, 2004

TO: Linda Lake, Chair
Washington State Board of Health

FROM: Janice Adair
Assistant Secretary

SUBJECT: RECOMMENDATION TO AMEND THE PROPOSAL FOR WATER RECREATION
FACILITIES WAC 246-260-171 – COMPLIANCE

The Division of Environmental Health's Office of Environmental Health and Safety, Water Recreation Program is recommending an amendment to the above-referenced section in the proposed Water Recreation Facilities rules to correct a drafting error that was brought to our attention during the public comment period.

As written, the proposed draft will require owners of water recreation facilities built after 1987 to make physical changes to their pools to meet many of the new design requirements included in the draft. However, the intent of the department and the task force with which we worked to draft the proposal was to require existing facilities to comply only with those new design requirements most critical to public health and safety; that is, the new requirements for barriers, single main drains, and lifeguards.

Over the past several weeks, staff presented the proposed rule revisions to eight different groups across the state. Each time, we explained that all owners would be subject to the changes regarding barriers, single main drains, and the lifeguarding requirements. All other changes that were discussed were consistently represented as applying only to newly constructed pools or to facilities that undergo major renovations.

All supporting documentation for the rule package was developed on the basis that pools built prior to the effective date of these amendments would not be required to make changes to their physical structure aside from the changes to barriers and single main drains. The significant analysis specified when the application of the revision was to "all pool facilities," or to "new construction or major renovation of pools." Similarly, the Small Business Economic Impact Statement (SBEIS) was developed on the premise that the revisions applied primarily to new construction or major remodels.

The department believes this amendment to the proposal is necessary to correct an error that will have unintended financial consequences for facilities built after 1987. The department does not believe the change is substantial because it reflects the intent of the department and task force members, is consistent with how the draft has been presented to the public, and matches the expectation of stakeholders. Therefore, we are not recommending a supplemental CR-102 be filed.

Please let me know if you have any questions.